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# UNITED STATES DISTRICT COURT

for the

Western District of Texas  
Austin Division

United States of America )  
v. )  
 )  
James Edward Roberts ) Case No. 1:24-cr-32-RP  
Defendant )  
 )

## ORDER OF DETENTION PENDING TRIAL

### Part I - Eligibility for Detention

On Motion of the Government attorney pursuant to 18 U.S.C. § 3142(f)(1), the Court held a detention hearing and found that detention is warranted. This order sets forth the Court's findings of fact and conclusions of law, as required by 18 U.S.C. § 3142(i), in addition to any other findings made at the hearing.

### Part II - Analysis and Statement of the Reasons for Detention

After considering the factors set forth in 18 U.S.C. § 3142(g), the pretrial services report, and the evidence and arguments of counsel presented at the detention hearing, the Court concludes that the defendant must be detained pending trial because the Government has proven:

By clear and convincing evidence that no condition or combination of conditions of release will reasonably assure the safety of the community.

By a preponderance of evidence that no condition or combination of conditions of release will reasonably assure the defendant's appearance as required.

In addition to any findings made on the record at the hearing, the reasons for detention include the following:

Weight of evidence against the defendant is strong

Subject to lengthy period of incarceration if convicted

Prior criminal history

Participation in criminal activity while on probation, parole, or supervision

History of violence or use of weapons

History of alcohol or substance abuse

Lack of stable employment

Lack of stable residence

Lack of financially responsible sureties

Lack of significant community or family ties to this district

Significant family or other ties outside the United States

Lack of legal status in the United States

Subject to removal or deportation after serving any period of incarceration

Prior failure to appear in court as ordered

Prior attempts to evade law enforcement

Use of alias(es) or false documents  
 Background information unknown or unverified  
 Prior violations of probation, parole, or supervised release

**Other Reasons or Further Explanation:**

My decision is based on the identified factors and the findings made on the record at the detention hearing. Mr. Roberts has been indicted on a charge of possession of a firearm by a felon, in violation of 18 U.S.C. § 922(g)(1). The weight of the evidence against him is strong. The Government presented testimony that Mr. Roberts was found in possession of suspected PCP when arrested, and he tested presumptively positive for amphetamines and cannabinoids. The nature and circumstances of the alleged offense of possessing a firearm pose a particularly serious danger to others and the community when combined with substance abuse. As to Mr. Roberts' history and characteristics, his criminal record dates to 1991, and his many state convictions include felony aggravated assault with a deadly weapon and, within the past six years alone, convictions for unlawfully carrying a weapon; possession of a controlled substance; harassment; and assault causing bodily injury to a family member (twice). Considering all information available, the Court finds that the relevant factors under 18 U.S.C. § 3142(g) weigh in favor of detention. The Court also finds that the government has established by clear and convincing evidence that no condition or combination of conditions of release would reasonably assure the safety of the community if Mr. Roberts were released. For these reasons, the Government's Motion for Detention of Defendant (Dkt. 8) is **GRANTED**.

**Part IV - Directions Regarding Detention**

The defendant is remanded to the custody of the Attorney General or to the Attorney General's designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. The defendant must be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility must deliver the defendant to a United States Marshal for the purpose of an appearance in connection with a court proceeding.

Date: March 11, 2024



Susan Hightower  
United States Magistrate Judge